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*Attorneys for Defendant Hooper Evaluations, Inc.,  
a/k/a D&D-Hooper Evaluations*

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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GREGORY SUNDAHL, individually and JESSE  
SUNDAHL, individually and on behalf of all others  
similarly situated,

Case No.: 2:08-CV-1342-JS-WDW

Plaintiffs,

v.

**NOTICE OF CROSS-MOTION  
TO DISMISS**

STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY, an Illinois corporation,  
PREFERRED CONSULTING SERVICES, INC., a  
New York Corporation; HOOPER EVALUATIONS,  
INC. a/k/a D&D-HOOPER EVALUATIONS, a New  
York Corporation; JOHN AND JANE DOES; ABC  
CORPORATIONS; and OTHER UNKNOWN  
ENTITIES

Defendants.

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**PLEASE TAKE NOTICE** that, upon the attached memorandum of law, dated June 16, 2008, and all prior pleadings and proceedings heretofore had herein, Defendant Hooper Evaluations, Inc., a/ka/ D&D-Hooper Evaluations (“Hooper”) will cross-move this Court before the Honorable Joanna Seybert, at the United States Courthouse, Alfonse M. D’Amato Federal Building, 100 Federal Plaza, Central Islip, New York 11722-9014, for an Order, pursuant to Federal Rules of Civil Procedure 9(b), 12(b)(1), and 12(b)(6), dismissing Plaintiffs’ Complaint as to Defendant Hooper Evaluations, Inc., a/ka/ D&D-Hooper Evaluations for failure to state a claim, and dismissing any remaining state law claims for lack of federal jurisdiction.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to Local Civil Rule 6.1(b) and Judge Seybert's Individual Motion Practices, any opposing affidavits and answering memorandum of law must be served and filed electronically with the Court within ten days after service of the moving papers.

Dated: Morristown, New Jersey  
June 16, 2008

SCHENCK, PRICE, SMITH & KING, LLP

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Inc., a/k/a D&D-Hooper Evaluations*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been served upon all counsel of record by electronic notice from the Court's CM/ECF system on this 16<sup>th</sup> day of June, 2008.

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